

City Council Meeting Minutes

**February 7, 2017
City Hall, Council Chambers
749 Main Street
6:00 PM**

Call to Order – Mayor Muckle called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

City Council: ***Mayor Robert Muckle, Mayor Pro Tem Jeff Lipton,
Councilmembers Chris Leh, Susan Loo, Dennis
Maloney, and Ashley Stolzmann***

Absent: ***Jay Keany***

Staff Present: ***Malcolm Fleming, City Manager
Heather Balser, Deputy City Manager
Kevin Watson, Finance Director
Aaron DeJong, Director of Economic Development
Kurt Kowar, Director of Public Works
Rob Zuccaro, Director of Planning & Building Safety
Kristin Dean, Principal Planner
Meredyth Muth, City Clerk***

Others Present: ***Sam Light, City Attorney***

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle made a motion to amend the agenda so that item 8E be just after 8B. Councilmember Loo seconded the motion. All in favor. Absent: Councilmember Keany.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

David Hsu, 975 Saint Andrews Lane, noted he is a member of the Planning Commission but he is in attendance tonight speaking as a private citizen. He stated he appreciates the efforts regarding inclusivity and diversity in the City, but would like to

see more done. It is a benefit to the community and to local businesses to attract diverse people and to be open to all people. Specifically, he would like the City to sponsor some multi-cultural programming and the Cultural Council to undertake more diverse events and themes. He asked the City to consider a Sister City program. He stated he would like to see an official statement on diversity and inclusiveness included in City documents.

Marci Decker, 1422 Wilson Place, stated her support for a warm water wellness pool to be included in the Recreation Center expansion in place of the leisure pool. There is a need for a rehabilitation pool in Louisville as the existing warm water wellness pool in Boulder is closing.

RJ Harrington, 457 East Raintree Court, would like to see the expansion of the Recreation Center include a good look at energy reduction and sustainability. The cost of onsite energy generation and efficiency for the building has gone down quite a bit and it should be considered for the project. It will need to be done soon before the construction plans are finalized.

Deb Fahey, 1118 West Enclave Circle, stated her support for Historic Preservation in Louisville. She attended the Colorado Preservation, Inc. conference and noted preservation is an economically smart thing to do and it is greener to preserve buildings rather than tearing them down. She would like to see the City address more than just its coal mining history and put some emphasis on the history of agriculture and other aspects of Louisville's history.

APPROVAL OF THE CONSENT AGENDA

MOTION: Mayor Muckle moved to approve the consent agenda, seconded by Councilmember Stolzmann. All were in favor. Absent: Councilmember Keany

- A. *Approval of Bills***
- B. *Approval of Minutes: January 10, 2017 and January 17, 2017***
- C. *Approval of 6:00 PM Start Time for February 21, 2017 City Council Meeting for an Executive Session***
- D. *Award 2017 Landscape Maintenance Services Contract***
- E. *Approval of Agreement with Spronk Water Engineers for 2017 Water Rights Administration***
- F. *Resolution No. 5, Series 2017 – A Resolution Approving an Intergovernmental Agreement with the Town of Superior Regarding Hours of Construction Work on McCaslin Boulevard***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

None.

CITY MANAGER'S REPORT

None.

REGULAR BUSINESS

PROCLAMATION – BLUE PARROT DAY, FEBRUARY 7, 2017

Mayor Muckle presented Joan Riggins and the Colacci Family a proclamation for Blue Parrot Day noting the great impact the Blue Parrot Restaurant has had on Louisville for 98 years. The Council thanked the family for their commitment to the community these many years. Joan Riggins accepted the proclamation for the Colacci Family.

Mike Deborski, 601 Pine Street, thanked the Colacci's for their years of commitment and generosity to the community.

RECOGNITION OF LOUISVILLE FIRE PROTECTION DISTRICT

Mayor Muckle presented Chief Willson and the Board of the Louisville Fire Protection District with a letter of recognition for the District's new "Public Protection Classification" rating. Chief Willson and Chris Schmidt, President Pro Tem of the LFPD Board, thanked the Council and the members of the Fire Department.

RESOLUTION NO. 7, SERIES 2017 – A RESOLUTION AMENDING AND RESTATING THE MEMBERSHIP, GOALS, AND RESPONSIBILITIES OF THE BUSINESS RETENTION AND DEVELOPMENT COMMITTEE

Director DeJong stated the City Council has asked staff to evaluate ways to reorganize or restructure the Business Retention and Development Committee (BRaD). He reviewed the current role and makeup of the Committee. Possible changes include: 1) Modify the BRaD committee to eliminate Council membership (but retain a Council Liaison); 2; Decide whether to have all at-large members and/or have some members represent specified business organizations; and 3) Update the Goals and Responsibilities for the BRaD Committee.

He stated the existing BRaD Committee recommends some positions remain as representatives of business organizations in the community (Revitalization Commission (LRC), Chamber of Commerce, CTC MetroDistrict, and Downtown Business Association), but remove the Planning Commission member. They recommend the three City Council positions be changed to at-large members who have business experience within the City.

He stated the proposed goals of the revamped Committee are to: advise the Council on economic policies and strategies; promote collaboration with the business community; share insights regarding local economic conditions; gather information regarding the needs and priorities of the business community; make comments on community development and design issues; and recommend proposed programs.

Director DeJong stated City Council members have expressed interest in composing the Committee entirely of at-large members.

Director DeJong stated the Council has two resolutions for consideration this evening to amend and reinstate the BRaD Committee. The first version changes only the three City Council seats to at-large positions, and the second version changes the entire membership to at-large positions. All other sections of the resolutions are the same.

Mayor asked for public comment. No public comment.

Councilmember Stolzmann stated she had provided a redlined version of the resolution for Council consideration. It changes some of the goals and responsibilities to tie them to the program areas, goals, and objectives in the approved budget.

Councilmember Maloney stated he supports a restructuring of the board and supports the all at-large membership to allow the most flexibility to the Council. He recommended the committee work on an economic development plan.

Mayor Pro Tem Lipton agreed with Councilmember Maloney and stated he supports Councilmember Stolzmann's recommended changes. He would like review of community design to be removed from the roles and responsibilities. The Committee should be selective in their involvement in community design.

Mayor Muckle suggested simply deleting the reference to community design in the resolution. Members agreed.

Councilmember Loo, as chair of the BRaD Committee, stated the Committee supports including members from the various business groups and the LRC. They feel it is important to get input from those groups representing the business community. BRaD also strongly supported the option of allowing nonresidents to serve on the committee.

Mayor Pro Tem Lipton suggested having the Committee in place as quickly as possible.

Councilmember Maloney moved to approve Resolution No. 7, Series 2017 using version two which allows for the entire Committee to be at-large members, to include references to the programs and goals in the responsibilities section, and with an effective date to May 1, 2017. Mayor Muckle seconded the motion.

Councilmember Loo asked if members will consider appointing some of the at-large members from the DBA, Chamber, etc. so that the Committee is not politically stacked from one sector. Councilmember Maloney stated the at-large membership allows the Council the flexibility to appoint members from anywhere including the business organizations.

Members voted 5-1 to approve version two of the resolution as amended.
Councilmember Loo voted no.

RESOLUTION NO. 6, SERIES 2017 – A RESOLUTION APPROVING THE MCCASLIN BOULEVARD SMALL AREA PLAN – *continued from 1/17/17*

Director Zuccaro stated this item is returning for Council consideration after multiple meetings in 2016. He reiterated the principals that were developed for this project:

- Sense of Community
- Sustainability – Economy/Community/Environment
- Unique Commercial Areas/Distinctive Neighborhoods
- Promote Development to Meet Fiscal and Economic Goals
- Encourage Desired Uses/Facilitate Redevelopment of Vacant Buildings
- Improve Connectivity and Accessibility
- Enhance Bicycle and Pedestrian Connections
- Create Public and Private Gathering Spaces
- Create Design Regulations that Reflect Community Vision and Promote Creative Design

He noted the Plan calls for height and bulk regulations to protect the existing residential areas adjacent to the Plan area. It also includes a number of transportation mobility upgrades.

He stated the Plan presented tonight includes the following changes Council requested at the December 6th meeting:

- Centennial Parkway Improvements to enhance pedestrian mobility, add bump outs, and make some sections one lane;
- Transit Oriented Development (TOD) area defined and a policy statement drafted;
- Development and Fiscal Impact analysis updated to include a non-residential and residential mixed use scenario;
- School Impact analysis added back into plan to reflect residential in the TOD area.

Director Zuccaro stated Transit Oriented Development would be allowed near the existing US 36 Bus Rapid Transit station. This TOD is meant to encourage residents and workers to drive less and better utilize transit through pedestrian-friendly, mixed-use development.

Three-story buildings are allowed in this area as a use by right currently, but a residential use in this area of the Plan would require special review approval by the City Council.

Allowing for TOD on the West Side of McCaslin Boulevard is a change from the 2013 Comprehensive Plan and would be an update to the existing Plan as proposed in December. The proposed policy statement is:

The City supports the existing retail in this area. However, should redevelopment occur due to changes in market conditions, then the City recognizes that the McCaslin Station area provides a unique opportunity for future redevelopment centered on pedestrian-oriented, compact transit oriented development with a mix of uses that would activate the area and increase the fiscal success of the McCaslin corridor.

In order to encourage a more active, pedestrian friendly environment around McCaslin Station, the City supports a mix of uses that may include residential uses. Any future development must also continue to provide strong economic and fiscal benefits.

Any proposed TOD proposed for this area would be judged against this policy statement.

Director Zuccaro reviewed the fiscal analysis of the Small Area Plan. Theoretically, over a twenty-year period including 200 units in the TOD area reduces the net positive impact to the City as it removes commercial and retail from that area. He noted there are some discrepancies in the fiscal model staff is trying to clarify. He stated the Plan could be put on hold until this discrepancy is cleared up if the Council would like to do so.

Director Zucarro asked Council to review the changes to the Plan as presented tonight and give direction on next steps.

Councilmember Leh asked if there are any downsides or risks associated with Transit Oriented Development. Director Zuccaro stated the fiscal impact could be negative if you have high vacancies and poor design. The City would need to make sure any proposed development for that area is a good mix of uses and has a good design to be successful.

Councilmember Maloney asked what the benefit is to the City if Centennial Parkway is reduced to two lanes from four. Director Zuccaro stated the traffic model shows the four lanes are not needed even when the area builds out. The new design provides a better pedestrian experience, slows traffic, and creates parking.

Councilmember Maloney asked if TOD is really going to be a financial benefit if more money is generated by leaving the area zoned commercial and retail. Director Zuccaro stated TOD would bring more people in who might use businesses and create a population that stays and shops in this area 24 hours rather than just daytime employees.

Mayor Muckle asked if the proposal would allow for increases in the building heights. Director Zuccaro stated there is no increase proposed.

Mayor Muckle asked for public comments.

Curtis Paxton, 383 Meeker Court, thanked the Council for not including residential east of McCaslin Boulevard. He stated the TOD area is really not helpful if you can't reach good shopping choices. He would like to see a population target number added to the document so that more residential is not considered with each development. He added the City needs to prioritize completing first and final mile solutions to the transit center.

Camilla Donnelly, 2366 Senator Court, would like to see the area left for commercial and retail so as not to damage the ability of the area to generate sales tax revenue. She would like the Special Review Use option to be removed.

Kathrine Herron, 1053 West Century Drive, #302, has seen a great deal of development in the McCaslin Boulevard area and much of that development is still not filled. Don't build new buildings until the existing ones are full. She doesn't support changing Centennial Parkway to two lanes.

Chuck Stout, 1169 Hillside Lane, asked what the total build out population goal of Louisville is. We should understand that before approving any new housing. There is no new housing for seniors downsizing or millennials upsizing from apartments. We need more options in housing and more affordable housing.

Jerome McQuie, 972 St. Andrews Lane, stated he is concerned about the economic impact of the Transit Oriented Development. He is not sure it will work here; people are too car oriented for it to be successful.

John Leary, 1116 Lafarge Avenue, stated most residents would prefer the retail uses to high-density housing in this area; we should preserve these land uses. We don't know what the market conditions will be in the future and we shouldn't presuppose redevelopment in this area. The fiscal analysis does not include the cost of infrastructure needed in this area and it could be very expensive.

Barney Funk, 1104 Hillside Lane, doesn't support the TOD as they have a history of not working in other areas. The taxpayers of Louisville don't want high-density housing. What we do want is housing that is reasonable. He would like to see affordable housing or single family homes in the area near his home on Centennial Parkway.

Bob Perkins, 405 Fairfield Lane, agreed with earlier speakers. He asked the Council why residential is being considered again in the Plan. He doesn't support any more residential in Louisville.

Cindy Bedell, 662 West Willow Street, thanked the Council for removing residential from the east side of McCaslin Boulevard. She encouraged the Council to consider livability and small town character in the Plan. She doesn't support any height changes to the buildings in the Plan or any residential on Centennial Parkway. She doesn't feel TOD will work in this area. We need the tax revenue from the area, not residential.

Audrey Debarros, 839 West Mulberry Street, stated the TOD at the McCaslin Station would be a benefit to the community and multimodal activity in this area is viable in this area of town. She noted that much of the conversation has not been inclusive or welcoming. If Louisville doesn't take advantage of opportunities to attract the private sector, our neighbors will. We have to be more inclusive to the changing demographics. She encouraged innovation and flexibility in the corridor.

RJ Harrington, 457 East Raintree Court, agreed with the previous speaker. There is no guarantee the existing uses in the area will stay forever so we need options for the future. Open spaces can be preserved by putting density in this area through the TOD. Affordable housing could be suggested through the Special Review Use option in the future. Inclusivity is very important. He asked what does population control look like and how does it affect us all.

Sherry Sommer, 910 South Palisade Court, stated she is not in principle opposed to Transit Oriented Development but the implementation and these ideals are too far apart for this area and she doesn't think it will work in Louisville. We do need a population target and need to think about affordability for a diverse population.

Charles Haseman, 247 South Lark Avenue, stated he doesn't support reducing the lanes on Centennial Parkway as it subsidizes parking for the developer. He stated the TOD area isn't being integrated into the community with no transit connections to downtown. That area is not knitted into the rest of Louisville well. We need the tax dollars from retail and sales, not more residential.

Carlos Hernandez, 279 Chestnut Street, stated his support for high-density housing in Louisville. It is affordable and is what allowed him to save and later buy a house. He stated the conversation of limiting options and not allowing new residents are not good for the community. He noted change is hard and reminded people that all the houses people live in now are in areas that were once open spaces and were controversial when first proposed. We need to advocate for the future and for the face of others in town.

Jeff Sheets, Koelbel and Company, 5291 East Yale Avenue, Denver, stated the Plan and its newest revisions concern him in that it is putting an urban project in a suburban environment. He stated his real question is what does the market support in this area. If the Plan moves forward with limited or no residential development, then the market is entirely driven through commuters or office growth. Koelbel has roughly 70 acres of land to develop in Centennial Valley and the Plan would require less density than what we are allowed now. It would require structured parking which is simply not affordable with current rents. The Edge Area in the plan calls for clustered buildings, but that is not what the market demands and they aren't economical. If the market was driving these types of uses, it would already be there. The real concern is for new design guidelines based on this Plan. The changes to Centennial Parkway are a positive to the City and to the employees already in the area. He stated he doesn't have a high degree of confidence in the build out numbers in the fiscal model. He stated his support for the Transit Oriented Development he feels the Plan ignores the marketplace and is not likely to be fulfilled. The Plan needs to be market based and guidelines need to be developed.

Frost Yarnell, 1109 Hillside Lane, reviewed the history of this area noting the same conversation has been going on for more than 13 years and every time it is discussed residents state their concern about high density housing. The market is important but it is also important to note what the community wants.

Members took a short break.

Mayor Muckle asked for Council comments.

Councilmember Maloney stated he is also concerned about residential development on the west side of McCaslin Boulevard but he thinks the TOD concept has some merit. However, what is in the Plan currently is not documented enough for him to support. He stated his other major concern is the future of Centennial Valley and how it may or may not develop over time. For right now, he supports the December 6 version of the Plan as it meets the needs of the community and addresses most of the issues we have.

Mayor Pro Tem Lipton stated his earlier request to look at adding Transit Oriented Development provided some useful information, but it really wasn't his vision for TOD in the area. He would like to see more commercial and retail. He stated he is still interested in TOD but this will need to evolve in a way to preserve the values of our community. This is a start to the conversation but not the end of it. He would like some mention of a goal of TOD in the Plan, but not what was presented this evening. There will need to be changes in Centennial Valley and we need to see what the market may bring to the area. We need to work with Koelbel for a forward looking plan for that area. We need to wrap up this conversation. The Comprehensive Plan process will begin again and that will be a time to help this Plan evolve. We have to embrace a vision the community can accept and we can be patient in this process and make changes to the Plan later to address Centennial Valley.

Mayor Muckle agreed with Mayor Pro Tem Lipton that it is important to wrap this up. He would like to see some language regarding Transit Oriented Development in the Plan, talking about it in principle. He also would like to see changes to Centennial Valley that might encourage appropriate development in that area.

Councilmember Loo stated she feels the public speaks to the Council members most sympathetic to their own point of view. She stated if residents had said “no more growth” 25 years ago, most of us wouldn’t be here now. She noted the comments of some residents who don’t want any change and stated those comments are particularly selfish. She is not advocating for development like in Boulder or Broomfield but there is some room for a reasonable amount of residential growth. She doesn’t support the plan as written and to adopt it would be a mistake. She stated she is comfortable with what is proposed for the east side of McCaslin Boulevard, but that area too may be in limbo depending on what goes into Sam’s Club. She would support starting over on the Plan.

Councilmember Stolzmann agreed with Councilmember Maloney that the Plan from December 6th is the best choice and she could support that version as written. She could also support taking the west side of McCaslin Boulevard out of the Plan if that alleviates some concerns of the Council.

Councilmember Leh stated he would like to see flexibility in the Plan because none of us know exactly what is going to happen in that area or in the economy in general. Regarding TOD he stated he would like to see more than just a number of units but an idea of what first and final mile transit improvements are needed. He supported the Mayor’s suggestion that some of the TOD policy language be included in the Plan. He stated it is important to include Special Review Use in the Plan to allow for flexibility and to allow future Councils to have that tool. It is the only way for anything creative to happen in that area and to remove it would be a mistake. He thinks there is consensus on the east side of McCaslin Boulevard and some consensus on TOD language in the Plan and we should not foreclose the possibility of residential in the right circumstance when the time comes.

Mayor Muckle stated there appears to be support for the December 6 plan with the addition of TOD language and first and final mile language.

Councilmember Stolzmann stated the Centennial Parkway two lane discussion will be decided based on the paving contracts at the February 21 meeting regardless of the plan.

Councilmember Leh stated he would like to see Special Review Use included in the final version.

Councilmember Stolzmann doesn’t support including the Special Review Use as she feels it will only encourage poor TOD that will remain vacant. She would only support it

if it was to encourage fixed, government affordable housing. She does not support including the TOD language but does support first and final mile language and improving the transit connections.

Mayor Pro Tem Lipton does not support the Special Review Use language as it is too loose unless there are some restrictions such as the need to prove “exceptional community benefit.” He also does not support changes to Centennial Parkway without a full planning process for the area.

Mayor Muckle moved to continue the conversation to the March 7 meeting. Councilmember Maloney seconded the motion. Members unanimously agreed. The Mayor recapped the direction to staff to look at the December 6 version but to also include some Transit Oriented Development language.

City Manager Fleming stated staff will continue to work on the fiscal model to find any errors and clarify the numbers.

NORTH END MARKET – GENERAL DEVELOPMENT PLAN AMENDMENT AND FINAL PLAT AND PLANNED UNIT DEVELOPMENT – *continued from 1/3/17 and 1/17/17*

ORDINANCE NO. 1730, SERIES 2016, AN ORDINANCE APPROVING AN AMENDMENT TO THE NORTH END GENERAL DEVELOPMENT PLAN (GDP) TO TRANSFER 17 RESIDENTIAL UNITS FROM PLANNING AREA 4 TO PLANNING AREA 1 AND REDUCE THE COMMERCIAL SPACE TO 40,000 SQUARE FEET IN PLANNING AREA 1 – 2nd READING –PUBLIC HEARING (advertised *Daily Camera* 12/25/16)

RESOLUTION NO. 78, SERIES 2016 – A RESOLUTION APPROVING A FINAL PLAT AND FINAL PLANNED UNIT DEVELOPMENT (PUD) TO CONSTRUCT A MULTI-USE DEVELOPMENT CONSISTING OF 38 DWELLING UNITS AND 40,000 SQUARE FEET OF COMMERCIAL SPACE; BLOCK 11, NORTH END PHASE TWO

City Attorney Light introduced the item by title. Mayor Muckle opened the public hearing and called for the staff presentation.

Planner Dean presented the project stating it is a request for a Final Plat, Final Planned Unit Development (PUD), and General Development Plan (GDP) Amendment to the North End GDP to construct a multi-use development consisting of 38 dwelling units and 40,000 square feet of commercial space at Block 11, North End Phase II. The proposed development is located in north Louisville, zoned Planned Community Zone District – Commercial (PCZD-C), is 4.55 acres, and contains 38 Residential units and 40,000 SF of commercial space. The GDP was originally approved in 2006 with some

density being transferred between planning areas within the GDP from what was approved in the original GDP and earlier GDP amendments.

In 2010, 12 multifamily units were moved to this property and in 2011, 17 units were moved to this property. Also in 2011, the commercial square footage on this property was reduced to a maximum of 65,000 s.f. The current GDP states the residential units in the planning area shall not take away from the commercial development area and no single family units are allowed in this area.

Planner Dean showed the comparison of the fiscal impact of the current proposal with the original GDP from 2006, the amendments that have been approved to date, and this current proposal. There is still a net positive fiscal gain over 20 years.

This area is defined as an urban corridor in the Comprehensive Plan and calls for a mix of housing to meet the needs of a variety of residents. The current proposal is still within the 350 units allowed in the original 2006 GDP.

Planner Dean reviewed the traffic and parking plans proposed for the site, stating the proposal exceeds the requirements. In addition all units are below the 40-foot height limit. There is a phasing plan for the PUD where each phase of residential will be built with a phase of commercial. It meets all landscaping and lighting requirements. Planner Dean stated staff recommends approval of the Ordinance and Resolution.

Chad Kipfer, 5723 Arapahoe Avenue, Boulder, representing Markel Homes, reviewed the history of the North End development. He stated this section under discussion is not great retail space as currently configured, but the proposed changes with more visibility from South Boulder Road should make this a more successful layout and should be fiscally positive for the City.

Michael Markel, 5723 Arapahoe Avenue, Boulder, representing Markel Homes, noted this is the finish line for the North End project. He stated this particular location has difficulties including poor access. He stated they have done studies and market analysis for the site and every study shows for commercial to be successful on this lot it would require an anchored tenant in this location which is really not feasible. He noted they are not asking for any additional residential density. He committed to moving the Markel Homes offices from its current location in Boulder and by so doing subsidizing the commercial development in this location. He committed to building the commercial first on this site. He stated he is actively pursuing retailers for the site.

Mayor Muckle asked for Council questions.

Mayor Pro Tem Lipton asked if there is a way to guarantee in the GDP that these commitments will happen.

City Attorney Light stated there is not a clear way to do this but it could possibly be addressed in the subdivision agreement or GDP agreement.

City Attorney Light noted the phasing plan states the commercial will be built before or concurrently with the residential and that would need to be reflected in the documents. Mr. Markel stated his commitment is to start the commercial in the first phase prior to doing the residential units in phase one, and in each additional phase.

Councilmember Stolzmann asked what the current zoning of the property is. Director Zuccaro state it is PCZD-C. It does not require a Special Review Use for residential uses because the residential number set in the original GDP (350 units) and this does not exceed it.

Mayor Muckle asked for public comment.

Brian Topping, 1550 White Violet Way, stated as a resident of North End he is very happy with the diversity of housing within the neighborhood. He supports the request and likes the plan as presented. He feels this proposal will be a benefit to the neighborhood.

David Starnes, 1907 Lakespur Lane, stated he lives in North End and supports the amendment to the GDP. He likes the vision for the development and is anxious for the commercial piece. It is consistent with the Comprehensive Plan. Louisville needs more diversity in housing and this offers some. The condominiums offer a great entry level product.

RJ Harrington, 457 East Raintree Court, stated he supports the amendment and noted this mixed use development shows a positive financial impact to the City.

City Attorney Light asked the Council by motion to formally include in the record of the public hearing the following documents: all application materials submitted by the applicant submitted for the GDP amendment; the final Plat; final PUD application; all materials in the City Council packet consisting of the staff communication and all attachments to it; the public hearing notices and proofs of publication for this hearing; all written referral and public comments; presentations given this evening and all documents posted as agenda related materials; the zoning ordinances as set for in the Municipal Code; the Comprehensive Plan; the South Boulder Road Small Area Plan; and the CDDSG. Councilmember Loo so moved, Councilmember Stolzmann seconded the motion. All in favor.

Mayor Muckle asked for Council comments.

Mayor Pro Tem Lipton asked if there is a way to enforce Mr. Markel's verbal commitments. He noted there have been changes to the GDP along the way and in each one the City has been looking for the commitment to the original 65,000 sf of

commercial. He stated he is disappointed that the current proposal has reduced that commercial square footage.

Councilmember Stolzmann stated she would like to add language to the plan to document the commitments made by Mr. Markel. She too is disappointed in the reduction in commercial square footage. She stated it is really not a mixed use development as the two uses can be easily separated and are not combined within buildings vertically.

Mayor Muckle stated he doesn't disagree with earlier comments; however, he is satisfied with the plan as presented. He is happy to see the project coming to completion and he appreciates the difficulties of this site. He supports it and he would like to see the commitments on the phasing codified somehow. Councilmembers Leh and Loo agreed with the Mayor.

Councilmember Maloney stated he would like to see three things codified. 1) the commitment to building the commercial as proposed; 2) the commitment to the relocation of the business and 3) commitment to the phasing as proposed. If those can be committed to he can support the proposal.

Attorney Light stated codifying these items may be difficult and language will need to be crafted.

Mayor Muckle asked if the Council would be willing to vote on these tonight and authorize the mayor and Mayor Pro Tem to finalize the language. Mayor Pro Tem Lipton suggested continuing it so final language can be crafted and agreed upon.

Mayor Pro Tem Lipton moved to continue the item to February 21 so conditions of approval can be added to the ordinance and the phasing language added in the resolution. Seconded by Councilmember Loo. All in favor.

CITY ATTORNEY'S REPORT

None.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

Councilmember Loo noted the Planning staff is currently giving presentations to various boards on the City's wayfinding plan. She asked that the wayfinding plan come to Council as a study session or regular meeting item to discuss the project in greater detail.

Councilmember Leh thanked staff for saving money on the Water Rights Consultants contract.

ADJOURN

Members adjourned the meeting at 10:30 PM.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk